

**United States District Court****for the****Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Dec 10, 2018**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Thomas Dwain Andy

Case Number: 0980 2:07CR02039-SAB-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, U.S. District Judge

Date of Original Sentence: October 4, 2007

Original Offense: Crime on Indian Reservation - Assault, 18 U.S.C. §§ 1153 and 113(a)(3)

Original Sentence: Prison - 120 months;  
TSR - 36 months

Type of Supervision: Supervised Release

Revocation  
Sentence:  
(04/25/2018)Prison - 4 months;  
TSR - 32 months

Asst. U.S. Attorney: Ian Lloyd Garriques

Date Supervision Commenced: July 12, 2018

Defense Attorney: Paul E. Shelton

Date Supervision Expires: March 11, 2021

---

**PETITIONING THE COURT**

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number      Nature of Noncompliance1      **Mandatory Condition # 1:** You must not commit another federal, state, or local crime.**Supporting Evidence:** On December 8, 2018, Mr. Andy was arrested by an officer with the Yakima City Police Department (YPD) and charged with domestic violence assault fourth degree.

Mr. Andy's conditions were reviewed with him on August 3, 2018. He signed his conditions acknowledging an understanding of his conditions which includes mandatory condition number 1, as noted above.

According to the YPD report for incident #18Y049854, on December 8, 2018, an officer was dispatched in reference to a domestic violence in progress; it was advised a male was trying to pull a female, who was screaming, into a white van.

Prob12C

**Re: Andy, Thomas Dwain**  
**December 10, 2018**  
**Page 2**

According to the report, the officer was able to locate the white van and made contact with Mr. Andy's significant other, (TM). According to the report, TM was not wearing a shirt, was bleeding from the mouth, had a large knot along her left eye and was crying heavily and visibly upset.

According to the report, Mr. Andy was not at the scene. Two other subjects, one male and one female, who had called 911, were present and standing outside the van. The male advised he saw a male physically trying to force TM into the driver's side of the vehicle. The female advised she saw the male pulling on TM near the rear of the vehicle in an attempt to drag her to the door and force her inside.

According to the report, TM advised the officer she had been with her boyfriend, Mr. Andy, who is also the father of their children, including the 4-month-old baby that was in the vehicle at the time of the incident. TM stated Mr. Andy and she were in town to pick up their oldest child and he became upset with her and her driving/parking while at the school. TM stated they drove away and went to a car wash where Mr. Andy proceeded to punch her over and over again. TM was transported to the hospital via ambulance at her request along with her baby.

Mr. Andy was taken into custody and transported to the YPD station. According to the report, Mr. Andy did not wish to talk and he was not asked any questions regarding the incident. A no contact order was ordered and Mr. Andy was booked into the Yakima City Jail, where he currently resides.

2

**Mandatory Condition # 1:** You must not commit another federal, state, or local crime.

**Supporting Evidence:** On December 8, 2018, Mr. Andy was arrested by an officer with YPD and charged with resisting arrest.

Mr. Andy's conditions were reviewed with him on August 3, 2018. He signed his conditions acknowledging an understanding of his conditions which includes mandatory condition number 1, as noted above.

According to the YPD supplemental report for incident #18Y049854, on December 8, 2018, an officer was dispatched in reference to a domestic violence in progress; it was advised a male was trying to pull a female, who was screaming, into a white van.

According to the report, the officer was able to locate the white van and made contact with Mr. Andy's significant other, (TM). According to the report, TM advised the officer of Mr. Andy's name and that he was the father of the baby in the van.

According to the report, Mr. Andy was located and when the officer contacted him he was initially compliant. According to the report, the officer advised Mr. Andy he was under arrest for assault and at that time, Mr. Andy removed a tall can of alcohol out of his pocket. The officer instructed him to put it down; however, Mr. Andy began to open the can. The officer then instructed Mr. Andy again to put down the can of alcohol.

Prob12C

**Re: Andy, Thomas Dwain**  
**December 10, 2018**  
**Page 3**

According to the report, Mr. Andy finished opening the can of alcohol and the officer then removed it from him at which time Mr. Andy placed his hands behind his back.

According to the report, as the officer was preparing his handcuffs, Mr. Andy fled and after being told he would be “tased,” he stopped and was then taken into custody without further incident and booked into the Yakima City Jail where he currently resides.

- 3      **Special Condition # 6:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** On or about December 8, 2018, Mr. Andy consumed alcohol.

Mr. Andy’s conditions were reviewed with him on August 3, 2018. He signed his conditions acknowledging an understanding of his conditions which includes special condition number 6, as noted above.

According to the YPD supplemental report for incident #18Y049854, on December 8, 2018, an officer was dispatched in reference to a domestic violence in progress; it was advised a male was trying to pull a female, who was screaming, into a white van.

According to the report, the officer advised Mr. Andy he was under arrest for assault and at that time, Mr. Andy removed a tall can of alcohol out of his pocket. The officer instructed him to put it down; however, Mr. Andy began to open the can. The officer then instructed Mr. Andy again to put down the can of alcohol. According to the report, Mr. Andy finished opening the can of alcohol and the officer then removed it from him at which time Mr. Andy placed his hands behind his back.

Mr. Andy was arrested by an officer with YPD and charged with domestic violence assault fourth degree and resisting arrest and booked into the Yakima City Jail where he currently resides.

- 4      **Special Condition # 4:** You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

**Supporting Evidence:** On or about December 8, 2018, Mr. Andy failed to successfully complete an approved substance abuse treatment program.

Mr. Andy’s conditions were reviewed with him on August 3, 2018. He signed his conditions acknowledging an understanding of his conditions which includes special condition number 4, as noted above.

Mr. Andy completed a substance abuse treatment evaluation at Merit Resource Services (Merit) on October 30, 2018. Mr. Andy received the results of this evaluation on November 13, 2018, and was instructed to return to Merit on November 14, 2018, for an intake into their intensive outpatient treatment program (IOP).

Prob12C

**Re: Andy, Thomas Dwain**  
**December 10, 2018**  
**Page 4**

On December 7, 2018, Mr. Andy reported to the United States Probation Office. During this visit he stated he had not yet begun IOP because he had not completed the intake process. The undersigned advised Mr. Andy he was not in compliance with his treatment recommendation and instructed him to contact Merit and reschedule his intake appointment by December 12, 2018.

On December 8, 2018, the undersigned received notification that Mr. Andy was arrested by an officer with YPD and charged with domestic violence assault fourth degree and resisting arrest and booked into the Yakima City Jail where he currently resides.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 10, 2018

s/Jonathan Barcom

Jonathan Barcom  
U.S. Probation Officer

---

---

THE COURT ORDERS

- ☐ No Action  
☒ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☐ Other



Signature of Judicial Officer

December 10, 2018

Date